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The FRS Company

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE BRANDON, on behalf of
himself and all others similarly situated,

12 Plaintiff,

13 v.

14 The FRS Company, d/b/a The FRS
Healthy Energy Company,

15 Defendant.
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Case No. 3:11-cv-06639-RS

The Hon. Richard Seeborg

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND STAY FOR
TWO WEEKS PENDING
SETTLEMENT DISCUSSIONS AND
INFORMAL DISCOVERY, AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

[No Hearing Required]

Complaint Filed: December 23, 2011
Trial Date: None Set

STIPULATION

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company (“FRS”) seek to further extend the stay of this case, for an additional two weeks, to continue pursuing settlement discussions and exchange limited informal discovery in furtherance of those discussions;

WHEREAS the only time modifications in this case to date are: (1) the Clerk’s notice rescheduling the Case Management Conference from April 5, 2012 to April 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties’ stipulation to extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); (3) the parties’ stipulation to extend the briefing schedule for FRS’s Motion to Strike Portions of Complaint (“Motion”), such that plaintiff’s opposition would be due March 16, 2012 and FRS’s reply would be due March 29, 2012 (Dkt #12); (4) the parties’ stipulation and Court’s Order to stay the case for sixty (60) days, up to and including May 21, 2012, which, among other things, continued the Case Management Conference from April 12, 2012 to June 21, 2012 (Dkt #18); (5) the parties’ stipulation and Court’s Order to extend the stay of the case for seventy-five (75) days, up to and including August 6, 2012, which, among other things, continued the Case Management Conference from June 21, 2012 to September 6, 2012 (Dkt #20); and (6) the parties’ stipulation and Court’s Order to extend the stay of the case for forty-five (45) days, up to and including September 20, 2012, which, among other things, continued the Case Management Conference from September 6, 2012 to October 25, 2012 (Dkt #22);

WHEREAS a stay of the case for an additional two weeks would only affect the schedule of the case by (1) staying the case up to and including October 4, 2012; (2) lifting the stay on October 5, 2012; (3) extending the deadline for FRS to file its reply in support of the Motion from October 4, 2012 to October 18, 2012, thirteen days after the stay is lifted; (4) continuing the hearing on the Motion from October 25, 2012 to November 8, 2012, or a subsequent date convenient to the Court; (5) continuing the Case Management Conference from October 25, 2012 to November 8, 2012, or a subsequent

THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge Seeborg's Standing Order Re: Initial Case Management, the parties through their undersigned counsel stipulate, subject to the Court's approval, as follows:

(2) the stay will be lifted on October 5, 2012;

(4) the hearing on the Motion is continued from October 25, 2012 at 1:30 p.m. to November 8, 2012 at 1:30 p.m., or whatever subsequent date and time is convenient to the Court;

(6) the deadline for the parties to file their respective ADR Certifications is extended to October 8, 2012.

FINKELSTEIN THOMPSON LLP

By /s/ Rosemary M. Rivas
ROSEMARY M. RIVAS
Attorneys for Plaintiff
LAWRENCE BRANDON

1 Dated: September 21, 2012

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3
4 By /s/ Neil A.F. Popović
5 NEIL A.F. POPOVIĆ
6 Attorneys for Defendant
7 THE FRS COMPANY
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CERTIFICATION

I, Neil A.F. Popović, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND STAY FOR TWO WEEKS PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE. Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

Dated: September 21, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By

/s/ Neil A.F. Popović

NEIL A.F. POPOVIĆ
Attorneys for Defendant
THE FRS COMPANY

PROPOSED ORDER

Having considered the Stipulation and [Proposed] Order to Extend Stay for Two Weeks Pending Settlement Discussions and Informal Discovery, and to Continue Case Management Conference entered into by plaintiff Lawrence Brandon and defendant The FRS Company ("FRS"), and good cause appearing therefor,

IT IS ORDERED THAT:

(1) the case is stayed for an additional two weeks, up to and including October 4, 2012;

(2) the stay will be lifted on October 5, 2012;

(3) the deadline for FRS to file its reply in support of its Motion to Strike Portions of Complaint ("Motion") is extended to October 18, 2012;

(4) the hearing on the Motion is continued from October 25, 2012 at 1:30 p.m. to November 8, 2012 at 1:30 p.m.;

(5) the Case Management Conference is continued from October 25, 2012 at 10:00 a.m. to November 8, 2012 at 10:00 a.m.; and

(6) the deadline for the parties to file their respective ADR Certifications is extended to October 8, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/25/12 _____



Honorable Richard Seeborg
United States District Judge